



FOIA Request

Lisa Evans to: FOIA HQ, Steve Souders

09/09/2013 09:45 AM

Dear FOIA Officer:

Your prompt attention to the attached FOIA request is respectfully requested.

If you have any questions, please call me at 781-631-4119.

Thank you in advance for your assistance.

Sincerely,

Lisa Evans

Lisa Evans

Senior Administrative Counsel

Earthjustice

21 Ocean Ave.

Marblehead, MA 01945

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*please consider the environment before printing

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FOIA.EPA.090913_Follow Up Materials.doc Attachment 1 Table FOIA.pdf



EARTHJUSTICE

Because the earth needs a good lawyer

September 9, 2013

By Email

FOIA Officer
FOIA and Privacy Branch
Office of Environmental Information
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (2822T)
Washington, D.C. 20460

Hq.foia@epa.gov

Re: Freedom of Information Act Request For Documents Related to US EPA, "List of Action Plan Follow Up Reports/Materials"

Dear FOIA Officer:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, I hereby request the following documents:

1. All documents listed in the table entitled "List of Action Plan Follow Up Reports/Materials," attached as Attachment 1 to this letter;
2. All cover letters accompanying the above documents;
3. All correspondence, evaluations, communications, and reviews prepared by EPA in response to the above documents.
4. All action plans and follow up materials (and related cover letters and correspondence, reviews or communications) submitted by industry or generated by EPA subsequent to the creation of the table in Attachment 1.

The above-referenced documents, including "action plan follow up reports and materials," were submitted in response to US EPA's coal combustion residual impoundment assessment reports, conducted between 2009 and 2013.

To the extent that relevant records are available electronically, please provide those records to me in that format.

I respectfully request that you waive all fees in connection with this request as provided by 5 U.S.C. §552(a)(4)(A)(iii) and 5 C.F.R. §1303.70. Earthjustice is a national, nonprofit 501(c)(3) organization with no commercial interest in obtaining the requested information. Instead we intend to use the requested information to better understand the operations and activities of the U.S. EPA with respect to the regulation of coal combustion residuals under the Resource Conservation and Recovery Act (RCRA).

We have received fee waivers under FOIA from EPA and other federal agencies in the past. This is because Earthjustice has, since 1971, promoted the public interest through the enforcement of federal environmental laws and the advancement of policies that provide enhanced environmental protection.

Fee Waiver Request Justification

Earthjustice is a national, nonprofit, environmental organization with no commercial interest in obtaining the requested information. Instead, Earthjustice intends to use the requested information concerning the data to inform the public, so the public can meaningfully participate in the identification and remediation of hazards associated with coal combustion residuals disposal and can meaningfully participate in any EPA rulemakings concerning the regulation of coal combustion residuals.

As explained below, this FOIA request satisfies the factors listed in EPA's governing regulations for waiver or reduction of fees, as well as the requirements of fee waiver under the FOIA statute – that “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii), *see also* 40 C.F.R. § 2.107(l).

1. The subject matter of the requested records must specifically concern identifiable “operations and activities of the government.”

The requested records relate to EPA's assessments regarding the hazards associated with coal ash disposal sites. These assessments and the rulemaking that relies upon these assessments findings unquestionably “identifiable operations or activities of the government.”

The Department of Justice Freedom of Information Act Guide expressly concedes that “in most cases records possessed by federal agency will meet this threshold” of identifiable operations or activities of the government. There can be no question that this is such a case.

2. The disclosure of the requested documents must have an informative value and be “likely to contribute to an understanding of Federal government operations or activities.”

The Freedom of Information Act Guide makes it clear that, in the Department of Justice's view, the “likely to contribute” determination hinges in substantial part on whether the requested documents provide information that is not already in the public domain. The requested records are “likely to contribute” to an understanding of your agency's decisions because they are not otherwise in the public domain and are not accessible other than through a FOIA request. Given the hazards associated with coal ash disposal sites, it is important that information concerning the risk posed by such sites be made available to the public. This information will facilitate meaningful public participation in the decision-making process, therefore fulfilling the requirement that the documents requested be “meaningfully informative” and “likely to contribute” to an understanding of your agency's decision-making process with regard to coal combustion waste.

3. The disclosure must contribute to the understanding of the public at large, as opposed to the individual understanding of the requester or a narrow segment of interested persons. Under this factor, the identity and qualifications of the requester—i.e., expertise in the subject area of the request and ability and intention to disseminate the information to the public—is examined.

Earthjustice has a longstanding interest and expertise in coal combustion residuals disposal. More importantly, Earthjustice unquestionably has the “specialized knowledge” and “ability and intention” to disseminate the information requested in the broad manner, and to do so in a manner that contributes to the understanding of the “public-at-large.”

Earthjustice intends to disseminate the information they receive through FOIA regarding these government operations and activities in a variety of ways, including but not limited to, analysis and distribution to the media, distribution through publication and mailing, posting on the organization’s websites, emailing and list-serve distribution to members. Earthjustice maintains a webpage solely devoted to coal combustion waste at www.earthjustice.org/coalash, and Earthjustice routinely uses this webpage to disseminate information.

4. The disclosure must contribute “significantly” to public understanding of government operations or activities. The public’s understanding must be likely to be enhanced by the disclosure to a significant extent.

EPA is currently in the process of revising and finalizing its Human Health and Ecological Risk Assessment for Coal Combustion Residuals as well as finalizing its rule concerning the disposal of coal combustion residuals. The documents requested contain information concerning the risks posed by such disposal in surface impoundments. Absent disclosure of the requested documents, the public’s understanding will be shaped only by limited information. The requested documents will contribute to the public understanding of the government’s role, and their “operations and activities,” because these documents comprise the specific actions that industry has taken to reduce risks from coal ash surface impoundments. Because EPA will be relying on these documents to formulate a final rule, the documents are central to the public understanding of EPA’s activities.

The disclosure of the requested documents are also essential to public understanding of the impacts that coal combustion residuals disposal may have on the safety of communities and the broader environment. After disclosure of these documents, the public’s understanding of the risks posed by these impoundments will be significantly enhanced. The requirement that disclosure must contribute “significantly” to the public understanding is therefore met.

5. Whether the requester has a commercial interest that would be furthered by the requested disclosure.

Earthjustice has no commercial interest in the requested records. Nor does Earthjustice have any intention to use these records in any manner that “furthers a commercial, trade, or profit interest” as those terms are commonly understood. Earthjustice is a tax-exempt organization under sections 501(c)(3) and 501(c)(4) of the Internal Revenue Code, and as such it has no

commercial interest. The requested records will be used for the furtherance of Earthjustice's mission to inform the public on matters of vital importance to the environment and public health.

6. Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester."

When a commercial interest is found to exist and that interest would be furthered by the requested disclosure, an agency must assess the magnitude of such interest in order to compare it to the "public interest" in disclosure. If no commercial interest exists, an assessment of that non-existent interest is not required.

As noted above, Earthjustice has no commercial interest in the requested records. Disclosure of this information is not "primarily" in Earthjustice's commercial interest. On the other hand, it is clear that the disclosure of the information requested is in the public interest. It will contribute significantly to public understanding of the risks posed by coal combustion residual impoundments.

Earthjustice thus respectfully requests, because the public will be the primary beneficiary of this requested information, that EPA waive processing and copying fees pursuant to 5 U.S.C. § 552(a)(4)(A).

In the event that your Office denies a fee waiver, please send a written explanation for the denial but continue to produce documents until the fee reaches \$100.

Please produce the requested records on a rolling basis. At no time should the Office's search for, or deliberations concerning, any records requested herein delay the production of other records that the Office has already elected to produce.

If you regard any of the requested records to be exempt from required disclosure under FOIA, we request that you disclose them nevertheless; as such disclosure would serve the public interest of educating citizens. See 10 C.F.R. §1004.1 (authorizing disclosure of documents exempt from FOIA disclosure where such disclosure is in the public interest).

In addition, should you invoke a FOIA exemption regarding any of the requested records, we request that you release any segregable portions of such records that are left after the exempted material has been redacted from the records we are seeking.

I appreciate your help in obtaining the requested information. As provided in FOIA, I expect a reply within 20 working days. 5 U.S.C. §552(a)(6)(A)(iii); 5 C.F.R. §1303.10(c).

Please send the requested records by email to levans@earthjustice.org or, for records not available electronically, by regular mail to 21 Ocean Avenue, Marblehead, MA 01945. If you find that this request is unclear in any way, please do not hesitate to contact me by phone at (781) 631-4119.

Thank you for your time and assistance. I look forward to your prompt reply.

Sincerely,

s/Lisa Evans

Lisa Evans
Senior Administrative Counsel
Earthjustice
781-631-4119

ATTACHMENT A

U.S. Environmental Protection Agency
Response to Freedom of Information Act (FOIA) Request from Earthjustice
FOIA No. EPA-HQ-2013-006036

Earthjustice Request 1: All final and draft reports assessing the structural integrity of coal combustion residual impoundments and similar management units containing coal combustion residuals which have not yet been posted on the EPA website at <http://www.epa.gov/wastes/nonhaz/industrial/special/fossil/surveys2/index.htm> (hereinafter "EPA website.")

EPA Response: (a) Reports with No Claims to Confidential Business Information. All "final" assessment reports are available on EPA's website. With respect to "draft" reports, EPA is in possession of preliminary draft reports for 26 facilities that were part of the Round 12 assessment effort. We are unable to provide you with any of these "draft" reports because they are preliminary reports which we believe are exempt from mandatory disclosure under applicable FOIA exemptions. Specifically, we are withholding the preliminary drafts for the 26 facilities listed below under FOIA exemption 5 (privileged inter- or intra-Agency memoranda).

No.	Company	Facility	State
1.	Allegheny Energy	Hatfields Ferry Power	PA
2.	City of Ames	Ames Electric Services	IA
3.	City of Columbia	Columbia	MO
4.	City of Grand Haven	JB Sims	MI
5.	City Utilities Springfield	Southwest Power Station	MO
6.	Constellation Energy	Conemaugh	PA
7.	Gen On	Keystone	PA
8.	Crisp County Power	Crisp Plant	GA
9.	Gainesville Regional	Deerhaven	FL
10.	Gulf Power	Crist	FL
11.	Gulf Power	Scholz	FL
12.	Monongahela Power	Albright	WV
13.	NRG Reliant	Shawville	PA
14.	Orion Power	Elrama	PA
15.	Orion Power	Cheswick	PA
16.	Orion Power	New Castle	PA
17.	PacifiCorp	Hunter	UT
18.	City of San Antonio	JK Spruce	TX
19.	City of San Antonio	JT Deely	TX
20.	San Miguel Electric coop	San Miguel	TX
21.	Soyland Power Coop	Pearl	IL
22.	TXU Generation	Martin Lake	TX
23.	TXU Generation	Monticello	TX
24.	TXU Generation	Big Brown	TX
25.	TXU Generation	Oak Grove	TX
26.	Wisconsin Public Service	Weston	WI

(b) Reports with Claims to Confidential Business Information. The EPA is in possession of draft and final reports from 31 companies that are currently subject to a claim of confidential business information. The 31 companies are listed on the EPA website. We are unable to provide you with any of these reports in full because they are exempt from mandatory disclosure under applicable FOIA exemptions. EPA is withholding these draft and final reports under FOIA exemption 4 (trade secrets, commercial, or financial information (confidential business information)) while EPA reviews these claims.

Earthjustice Request 2: All final and draft reports assessing the structural integrity of coal combustion residual impoundments and similar management units containing coal combustion residuals of impoundments owned and operated by the Tennessee Valley Authority (TVA).

EPA Response: The draft and final reports for all twelve TVA facilities are available on EPA's website.

Earthjustice Request 3: All "Cover Letters" from EPA to facilities requesting that the facility develop an "Action Plan" to address the recommendations from all Final Reports that have not yet been posted on the EPA website.

EPA Response: The EPA has posted all available cover letters to its website with the exception of cover letters for the six facilities listed below. We are unable to provide you with any of these cover letters because they are exempt from mandatory disclosure under applicable FOIA exemptions. EPA is withholding these cover letters under FOIA exemption 4 (trade secrets, commercial, or financial information (confidential business information)) while EPA reviews these claims.

- 1) Alabama Power Company – Gadsden Plant
- 2) Alabama Power Company – James H. Miller Power Station
- 3) Ameren – Hutsonville Power Station
- 4) Eastern Kentucky Power Coop – HL Spurlock Station
- 5) Georgia Power – Plant Kraft
- 6) Georgia Power – Plant McIntosh

Earthjustice Request 4: All "Company Response/Action Plans," which include the responses from the facilities to EPA's Cover Letters that have not yet been posted on the EPA website.

EPA Response: (a) Action Plans with No Claims to Confidential Business Information. EPA is in possession of preliminary action plans for 11 facilities that were part of the assessment effort for Rounds 10 and 11. We are unable to provide you with any of these action plans because they are preliminary plans which we believe are exempt from mandatory disclosure under applicable FOIA exemptions. Specifically, we are withholding these documents for the five facilities listed below under FOIA exemption 5 (privileged inter- or intra-Agency memoranda).

- 1) Ameren – Hutsonville Power Station
- 2) Dynegy Midwest Generation – Baldwin Power Station
- 3) Dynegy Midwest Generation – Hennepin Power Station
- 4) First Light Power Resources – Mount Tom Generating Station
- 5) Southern Illinois Power Cooperative – Marion Power Station
- 6) Tennessee Valley Authority – Bull Run Fossil Plant
- 7) Tennessee Valley Authority – Colbert Fossil Plant

- 8) Tennessee Valley Authority – Gallatin Fossil Plant
- 9) Tennessee Valley Authority – Kingston Fossil Plant
- 10) Tennessee Valley Authority – Paradise Fossil Plant
- 11) Tennessee Valley Authority – Widows Creek Fossil Plant

(b) Action Plans with Claims to Confidential Business Information. The EPA is in possession of facility action plans from 15 companies that are currently subject to a claim of confidential business information. The 15 companies are listed below. We are unable to provide you with any of these action plans because they are exempt from mandatory disclosure under applicable FOIA exemptions. EPA is withholding these action plans under FOIA exemption 4 (trade secrets, commercial, or financial information (confidential business information)) while EPA reviews these claims.

- 1) Alabama Power Company – James H. Miller Power Station
- 2) Ameren – Coffeen Facility
- 3) Ameren – Duck Creek Facility
- 4) Ameren – ED Edwards Facility
- 5) Ameren – Hutsonville Power Station
- 6) Ameren – Labadie Power Station
- 7) Ameren – Meramec Power Station
- 8) Ameren – Meredosia Facility
- 9) Ameren – Newton Facility
- 10) Ameren – Rush Island Power Station
- 11) Ameren – Sioux Power Station
- 12) Eastern Kentucky Power Coop – HL Spurlock Station
- 13) Eastern Kentucky Power Coop – Dale Power Station
- 14) Georgia Power – Plant Kraft
- 15) Georgia Power – Plant McIntosh

Earthjustice Request 5: A list of all CCR impoundments for which EPA has received documentation that actions were taken in accordance with their respective Company Response/Action Plans.

EPA Response: Responsive records are provided in Attachment B.

Earthjustice Request 6: A list of CCR impoundments that reflect EPA's assessment, through inspection or the assessment of documentation submitted by facility owners, that actions have been taken in accordance with the Company Response/Action Plans that satisfactorily address the deficiencies noted in the plans.

EPA Response: The EPA has no records responsive to this request.

ATTACHMENT B

**U.S. Environmental Protection Agency
Response to Freedom of Information Act (FOIA) Request from Earthjustice
FOIA No. EPA-HQ-2013-006036**

1. **US EPA, "List of Action Plan Follow Up Reports/Materials"**

List of Action Plan Follow Up Reports/Materials

<u>CBI Flag</u>	<u>Company</u>	<u>Facility</u>	<u>Report Title</u>	<u>Date</u>	<u>CD</u>
	American Electric Power	Philip Sporn Power Plant	Core boring log - 96-101	6/5/1996	CD
	American Electric Power	Philip Sporn Power Plant	Sporn Bottom Ash Pond - classification test data on soil	12/19/1996	CD
			DAM SAFETY INSPECTION NOTICE- North Low Dissolved Solids		
	First Energy Generation Corp	Bruce Mansfield Plant	Impoundment	8/28/2005	CD
			DAM SAFETY INSPECTION NOTICE- South Low Dissolved Solids		
	First Energy Generation Corp	Bruce Mansfield Plant	Impoundment	8/29/2005	CD
			DAM SAFETY INSPECTION NOTICE- West High Dissolved Solids Dam		
	First Energy Generation Corp	Bruce Mansfield Plant	DAM SAFETY INSPECTION NOTICE- North Low Dissolved Solids	8/29/2005	CD
			Impoundment		
	First Energy Generation Corp	Bruce Mansfield Plant		10/23/2007	CD
			DAM SAFETY INSPECTION NOTICE- West High Dissolved Solids Dam		
	First Energy Generation Corp	Bruce Mansfield Plant	DAM SAFETY INSPECTION NOTICE- South Low Dissolved Solids	10/23/2007	CD
			Impoundment		
	First Energy Generation Corp	Bruce Mansfield Plant		10/23/2007	CD
	American Electric Power	Philip Sporn Power Plant	Piezometer data	12/18/2008	CD
	American Electric Power	Philip Sporn Power Plant	Stability analysis	2/3/2009	CD
	American Electric Power	Philip Sporn Power Plant	Geotechnical data collection report	3/3/2009	CD
			DAM SAFETY INSPECTION NOTICE- North Low Dissolved Solids		
	First Energy Generation Corp	Bruce Mansfield Plant	Impoundment	7/8/2009	CD
			DAM SAFETY INSPECTION NOTICE- South Low Dissolved Solids		
	First Energy Generation Corp	Bruce Mansfield Plant	Impoundment	7/8/2009	CD
			DAM SAFETY INSPECTION NOTICE- West High Dissolved Solids Dam		
	First Energy Generation Corp	Bruce Mansfield Plant	DAM SAFETY INSPECTION NOTICE- North Low Dissolved Solids	7/8/2009	CD
			Impoundment		
	First Energy Generation Corp	Bruce Mansfield Plant	DAM SAFETY INSPECTION NOTICE- South Low Dissolved Solids	9/1/2009	CD
			Impoundment		
	First Energy Generation Corp	Bruce Mansfield Plant		9/1/2009	CD
			DAM SAFETY INSPECTION NOTICE- West High Dissolved Solids Dam		
	First Energy Generation Corp	Bruce Mansfield Plant		9/1/2009	CD
	American Electric Power	Cardinal Power Plant	Response to EPA recommendations for site assessment final report	12/1/2009	
	American Electric Power	Philip Sporn Power Plant	Sporn - east dike section M-M - classification test data on soil	12/18/2009	CD
		Coronado Generating			
	Salt River Project	Station	Response to EPA recommendations for site assessment final report	1/13/2010	

List of Action Plan Follow Up Reports/Materials

<u>CBI Flag</u>	<u>Company</u>	<u>Facility</u>	<u>Report Title</u>	<u>Date</u>	<u>CD</u>
	Duke Energy	Belews Creek Steam Station	Response to EPA recommendations for site assessment final report	1/15/2010	
	American Electric Power	Philip Sporn Power Plant	Section M-M steady state seepage analysis	1/18/2010	CD
	American Electric Power	Philip Sporn Power Plant	Section K-K steady state seepage analysis	1/19/2010	CD
	American Electric Power	Philip Sporn Power Plant	Section L-L steady state seepage analysis	1/19/2010	CD
	American Electric Power	Philip Sporn Power Plant	Section K-K seismic stability analysis	1/19/2010	CD
	American Electric Power	Philip Sporn Power Plant	Section L-L seismic stability analysis	1/19/2010	CD
	American Electric Power	Philip Sporn Power Plant	Section M-M seismic stability analysis	1/19/2010	CD
	American Electric Power	Philip Sporn Power Plant	Drawings - Eastern dike sections	1/19/2010	CD
	American Electric Power	Philip Sporn Power Plant	Drawings - Eastern dike plan view	1/19/2010	CD
	American Electric Power	Philip Sporn Power Plant	Engineering references	1/19/2010	CD
	American Electric Power	Philip Sporn Power Plant	Text report- analysis of seismic slope stability of fly ash pond, eastern dike, upper section	1/19/2010	CD
	Indiana - Kentucky Electric Corp	Clifty Creek Station	Reference: Landfill Run Off Collection Pond Reservoir Routing Analysis	2/8/2010	
	American Electric Power	Clifty Creek Station	Reference: West Bottom Ash Pond Reservoir Routing Analysis	2/8/2010	
	American Electric Power	Philip Sporn Power Plant	Upper dike, fly ash pond- Seepage analysis summary	2/11/2010	CD
	American Electric Power	Philip Sporn Power Plant	Eastern dike assessment, slope stability analysis sections K-K, L-L, and M-M	2/11/2010	CD
	First Energy Generation Corp	Bruce Mansfield Plant	Response to EPA recommendations for site assessment final report	2/11/2010	
	Progress Energy Carolinas	Roxboro Plant	Response to EPA recommendations for site assessment final report	2/22/2010	
	Louisville Gas and Electric Corp	Mill Creek Station	Response to EPA recommendations for site assessment final report	2/24/2010	
	Ohio Valley Electric Corp	Clifty Creek Station	RE: Indiana - Kentucky Electric Corp Clifty Creek Station Update regarding US EPA's Recommendations Coal Ash Impoundments	2/26/2010	
	American Electric Power	John E Amos Power Plant	Response to EPA recommendations for site assessment final report	3/1/2010	
	Arizona Public Service	Cholla Power Plant	Response to EPA recommendations for site assessment final report	3/3/2010	

List of Action Plan Follow Up Reports/Materials

<u>CBI Flag</u>	<u>Company</u>	<u>Facility</u>	<u>Report Title</u>	<u>Date</u>	<u>CD</u>
	American Electric Power	Mitchell Power Plant	Response to EPA recommendations for site assessment final report	3/4/2010	
CBI	Georgia Power	Plant Bowen	RE: September 29, 2009 Correspondence from Georgia Power to EPA regarding Plant Bowen Ash Pond	3/30/2010	
	American Electric Power	Clifty Creek Station	RE: Report of Geotechnical Exploration, American Electric Power Clifty Creek Power Plant, Landfill Run Off Collection Pond Dam	5/24/2010	
	American Electric Power	Clifty Creek Station	RE: Report of Geotechnical Exploration, American Electric Power Clifty Creek Power Plant, West Bottom Ash Pond Dike	5/24/2010	
	American Electric Power	Philip Sporn Power Plant	Report on railway-induced ground vibrations - vibrations monitoring data	6/3/2010	CD
	American Electric Power	Philip Sporn Power Plant	Report on railway-induced ground vibrations	6/7/2010	CD
CBI	American Electric Power	Philip Sporn Power Plant	Liquefaction Study- request for information pursuant to section 308 of CWA Sporn Plant Liquefaction Study	9/16/2010	CD
	Duke Energy	Asheville	EPA CWA RCRA Response appendices	9/30/2010	CD
	American Electric Power	Philip Sporn Power Plant	Request for information pursuant to Section 308 of the Clean Water Act	11/13/2010	CD
	American Electric Power	Philip Sporn Plant	Subject: American Electric Power Philip Sporn Plant Request for Reassessment	11/15/2010	
	Allegheny Energy	Pleasants Power Station	McElroy's Run Impoundment Willow Island, WV Allegheny Energy Supply Company, LLC Final Report on the Recommendations Made By the Environmental Protection Agency (EPA)	1/19/2011	CD
	Allegheny Energy	R. Paul Smith Power Station	R. Paul Smith Power Station Williamsport, MD Lagoon Dam #3 and Lagoon Dam #4 Located in Berkeley County, WV Allegheny Energy Supply Company, LLC Update Report on the Recommendations made by the Environmental Protection Agency (EPA)	1/21/2011	
CBI	Georgia Power	Plants Hammond, McDonough, Mitchell, Scherer, Yates	RE: Confidential Business Information - Comments on Final Reports of Geotechnical Investigation Dam Safety Assessment of Coal Combustion Surface Impoundments, Georgia Power Plants Hammond, McDonough, Mitchell, Scherer and Yates	2/7/2011	

List of Action Plan Follow Up Reports/Materials

<u>CBI Flag</u>	<u>Company</u>	<u>Facility</u>	<u>Report Title</u>	<u>Date</u>	<u>CD</u>
CBI	Georgia Power	Plant Scherer	RE: Report of Safety Assessment Coal Combustion Surface Impoundments, Georgia Power, Plant Scherer, Juliette, GA, December 2010	2/7/2011	
CBI	Georgia Power	Plant Mitchell	RE: Report of Safety Assessment Coal Combustion Surface Impoundments, Georgia Power, Plant Mitchell, Albany, GA, December 2010	2/7/2011	
CBI	Georgia Power	Plant Yates	RE: Report of Safety Assessment Coal Combustion Surface Impoundments, Georgia Power, Plant Yates, Newnan, GA, December 2010	2/7/2011	
CBI	Georgia Power	Plant McDonough	RE: Report of Safety Assessment Coal Combustion Surface Impoundments, Georgia Power, Plant McDonough, Smyrna, GA, December 2010	2/7/2011	
CBI	Georgia Power	Plant Hammond	RE: Report of Safety Assessment Coal Combustion Surface Impoundments, Georgia Power, Plant Hammond, Rome, GA, December 2010	2/7/2011	
CBI	Ameren Energy Resources	Rush Island Power Station	Response to EPA recommendations for site assessment final report	2/11/2011	
CBI	Ameren Energy Resources	Meramec Power Station	Response to EPA recommendations for site assessment final report	3/2/2011	
CBI	Ameren Energy Resources	Labadie Power Station	Response to EPA recommendations for site assessment final report	3/2/2011	
CBI	Ameren Energy Resources	Sioux Power Station	Response to EPA recommendations for site assessment final report	3/2/2011	
	Power South Energy Co-op	Charles R. Lowman Power Plant	RE: Report of Topographic and Hydraulic Analysis Coal Combustion Waste Impoundments Charles R. Lowman Power Plant Leroy, AL	3/2/2011	
	NRG Energy	Limestone Electric Generating Station	Hydrologic analysis for DSDA pond and ST-18 pond	5/4/2011	CD
CBI	Georgia Power	Plants Hammond, McDonough, Mitchell, Scherer and Yates	Final reports with CBI mark-ups (highlights)	5/4/2011	CD
		Coffeen, Duck Creek, ED Edwards, Meredosia, and			
CBI	Ameren Energy Resources	Newton facilities	Response to EPA recommendations for site assessment final report	8/2/2011	CD

List of Action Plan Follow Up Reports/Materials

<u>CBI Flag</u>	<u>Company</u>	<u>Facility</u>	<u>Report Title</u>	<u>Date</u>	<u>CD</u>
CBI	Ameren Energy Resources	Sioux Power Station	Response to EPA recommendations for site assessment final report	8/22/2011	
CBI	Ameren Energy Resources	Rush Island Power Station	Response to EPA recommendations for site assessment final report	8/22/2011	
CBI	Ameren Energy Resources	Meramec Power Station	Response to EPA recommendations for site assessment final report	8/22/2011	
CBI	Ameren Energy Resources	Labadie Power Station	Response to EPA recommendations for site assessment final report	8/22/2011	
	Kentucky Utilities	Green River Station	Hydrologic and Hydraulic assessment	7/25/2011	CD
	Kentucky Utilities	Green River Station	Report of Geotechnical Exploration and slope stability analysis - Pond No. 2/coal pile runoff/scrubber pond	7/26/2011	CD
	Minnesota Power	Boswell Energy Center	RE: Minnesota Power - Boswell Energy Center CCR Site Assessment Follow- up	9/28/2011	
	NV Energy	Reid Gardner Generating Station	RE: Revised Date of Completion (Liquefaction Study)	11/1/2011	
	City of Sikeston Board of Municipal Utilities	Sikeston Power Station	Global Stability Evaluations, Fly Ash and Bottom Ash Ponds, Sikeston Power Station	11/30/2011	
	NV Energy	Reid Gardner Generating Station	RE: Liquefaction Analysis- Coal CombustionWaste Impoundments Reid Gardner Generating Station	12/12/2011	
	Ohio Valley Electric Corp	Kyger Creek Station	RE: Ohio Valley Electric Corp Kyger Creek Station Response to US EPA's Recommendations Coal Ash Impoundments	1/10/2012	
	Big Rivers Electric Corps	Coleman Station	RE: Coleman Station Ash Impoundments Inspection Protocol Hawesville, Kentucky	3/30/2012	
	Big Rivers Electric Corps	Reid/Green/HMPL	RE: Reid/Green/HMPL Ash Impoundment Inspection Protocol Sebree, Kentucky	3/30/2012	
	Big Rivers Electric Corps	Reid/Green/HMPL	RE: Update to Final Assessment Report for Big River's Electric Corps Reid/Green/HMPL facility Response	Undated	
	Indianapolis Power & Light	Eagle Valley, Harding Street and Petersburg Stations	RE: Transmittal of PDF copies of Ash Pond Hydraulic and Stability Analysis Reports, Ash Pond, Operations and Maintenance Plans, and As-Built Drawings	4/16/2012	
	Indianapolis Power & Light	Harding Street Station	RE: Hydraulic and Stability Analysis Report, Ash Pond, Operations and Maintenance Plans, and As-Built Drawings	4/20/2012	
	Indianapolis Power & Light	Petersburg Station	RE: Hydraulic and Stability Analysis Report, Ash Pond, Operations and Maintenance Plans, and As-Built Drawings	4/20/2012	

List of Action Plan Follow Up Reports/Materials

<u>CBI Flag</u>	<u>Company</u>	<u>Facility</u>	<u>Report Title</u>	<u>Date</u>	<u>CD</u>
	NIPSCO	Michigan City Generating Station	RE: Final Report - Summary of Hydraulic Evaluation of Impoundments	8/27/2012	
	City of Independence	Blue Valley Power Station	RE: Completed Seepage and Stability Analysis at Independence Power & Light's Blue Valley Power Station	11/16/2012	
	Dominion Virginia Power	Possum Point Power Station	RE: Status Update regarding the EPA Dam Safety Assessment Reports for Dominion Virginia Power's Possum Point Power Station	12/17/2012	
CBI	Georgia Power	Plant Hammond	RE: Completion of Slope Modification at Georgia Power Plant Hammond Ash Pond 4	12/20/2012	
	NRG	Homer City Generating Station	RE: Request for Action Plan regarding Edison International's Homer City Generating Station	4/8/2013	
	Dayton Power & Light	Killen Generation Station	RE: Action Plan Request for DP&L Killen Electric Generating Station	4/22/2013	